



**House Mobile County Legislation Reported
Substitute for HB496**

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A BILL
TO BE ENTITLED
AN ACT

Relating to Class 2 municipalities; to amend Section 11-40-62, as last amended by Act 2025-348, 2025 Regular Session, and Section 11-40-69, Code of Alabama 1975; to include adjoining homeowners as interested parties that must receive notice of municipal lien foreclosures; to allow adjoining homeowners to have bidding preference in foreclosures of municipal liens; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-40-62, as last amended by Act 2025-348, 2025 Regular Session, and Section 11-40-69, Code of Alabama 1975, are amended to read as follows:

"§11-40-62

As used in this article, the following words and phrases have the following meanings:

(1) ADJOINING OWNERS. Property owners of owner-occupied property that share a common property line or boundary with the property.

(2) INTERESTED PARTY. a. Includes the following



**House Mobile County Legislation Reported
Substitute for HB496**

29 parties:

30 1. The person who last appears as owner of the real
31 property in the county office of the judge of probate's
32 property records.

33 2. The current mortgagee of record of the property or
34 assignee of record of the mortgagee.

35 3. The current holder of a beneficial interest in a
36 deed of trust recorded against the real property.

37 4. A tax certificate holder.

38 5. A tax sale purchaser that holds a deed of purchase
39 in accordance with Section 40-10-29.

40 6. Any party having an interest in the real property,
41 or in any part thereof, legal or equitable, in severalty or as
42 a tenant in common, whose identity and addresses are
43 reasonably ascertainable from the records of the Class 2
44 municipality or from records maintained in the county office
45 of the judge of probate or as revealed by a full title search,
46 consisting of 50 years or more.

47 7. Adjoining owners.

48 b. The term does not include: (i) the holder of the
49 benefit of an easement that burdens the real property; (ii)
50 the holder of the benefit or burden of a real covenant that
51 burdens the real property; or (iii) the holder of the benefit
52 of a utility easement that burdens the real property, unless
53 the holders are adjoining owners.

54 ~~(2)~~ (3) MINIMUM BID PRICE. The price that equals the
55 redemption amount.

56 ~~(3)~~ (4) MUNICIPAL CODE LIEN. Any lien ~~that has been~~



House Mobile County Legislation Reported
Substitute for HB496

57 levied against real property by a Class 2 municipality ~~which~~
 58 ~~is the result of~~ resulting from the nonpayment of any fine,
 59 penalty, abatement cost, or enforcement cost incurred by the
 60 Class 2 municipality ~~related to the enforcement of~~ in
 61 enforcing state or local housing and building codes. The term
 62 includes only those liens that arise ~~out of~~ from a failure to
 63 comply with a Class 2 municipality's ordinance or resolution
 64 enacted pursuant to the authority granted in Article 2 of
 65 Chapter 40 or a failure to comply with ~~any of the following~~
 66 ~~provisions of the~~ Sections 11-47-117, 11-47-118, 11-47-130,
 67 11-47-131, 11-47-140, Chapter 53, Chapter 53B, or Article 1 of
 68 Chapter 67 ~~Code of Alabama 1975.~~, ~~or from the failure to comply~~
 69 ~~with a Class 2 municipality's ordinance or resolution enacted~~
 70 ~~pursuant to the authority granted in Article 2 of Chapter 40;~~
 71 ~~Sections 11-47-117, 11-47-118, 11-47-130, 11-47-131, or~~
 72 ~~11-47-140, Chapter 53, Chapter 53B, or Article 1 of Chapter~~
 73 ~~67.~~

74 ~~(4)~~ (5) MUNICIPAL CODE LIEN PAYOFF. The principal amount
 75 of a municipal code lien, interest accrued at the rate of
 76 seven and one-half percent per annum from the date the
 77 municipal code lien was filed in the office of the judge of
 78 probate, any fees or costs incurred in the collection of such
 79 a lien under this article including, without limitations, the
 80 cost of title examinations and the publication of notices, and
 81 any other penalties allowable under either state law or ~~under~~
 82 an ordinance or resolution enacted by the Class 2
 83 municipality.

84 ~~(5)~~ (6) OWNER OCCUPIED. Real property that is lawfully



**House Mobile County Legislation Reported
Substitute for HB496**

85 occupied as a principal residence and is either: (i) exempt
86 from ad valorem taxation under Sections 40-9-19, 40-9-19.1,
87 40-9-20, and 40-9-21; or (ii) lawfully occupied by the family
88 of a deceased individual who is eligible for an exemption
89 under these sections but has not yet been granted the
90 exemption. ~~that is any of the following:~~

- 91 ~~a. A homestead as described in Section 40-9-19.~~
- 92 ~~b. Exempt from ad valorem taxation under Sections~~
93 ~~40-9-19.1, 40-9-20, and 40-9-21.~~
- 94 ~~c. Eligible for the designations listed in paragraph a.~~
95 ~~or b., but which has not yet been granted such designation and~~
96 ~~which is lawfully occupied by the family of a deceased~~
97 ~~individual.~~

98 ~~(6)~~ (7) REDEMPTION AMOUNT. The sum of: (i) the full
99 amount of the municipal code lien payoff for each municipal
100 code lien on which the Class 2 municipality is seeking to
101 foreclose under this article; and (ii) any tax payoff that may
102 be applicable to the property on which the Class 2
103 municipality is seeking to foreclose under this article.

104 ~~(7)~~ (8) TAX CERTIFICATE HOLDER. Any of the following:

- 105 a. A tax sale purchaser that holds a certificate of
106 purchase in accordance with Section 40-10-19.
- 107 b. The state, ~~where~~ if it has accepted and recorded a
108 certificate of purchase obtained at a tax sale in accordance
109 with Section 40-10-20.
- 110 c. Any party to which a certificate of purchase
111 obtained at a tax sale has been assigned in accordance with
112 Section 40-10-21.



House Mobile County Legislation Reported
Substitute for HB496

113 d. The purchaser or assignee of a tax lien certificate
114 as described in Section 40-10-187.

115 ~~(8)~~ (9) TAXES. Those taxes assessed against real
116 property by ~~either~~ the State of Alabama, the county in which
117 the real property is situated, or the Class 2 municipality
118 ~~which~~ that are delinquent, as defined in Section 40-11-4 or
119 11-51-2, as of the date a proceeding under this article is
120 commenced or at any time before final resolution of the ~~same~~
121 proceeding. The term also includes any taxes assessed against
122 real property which are unpaid from any previous year and any
123 amounts required for redemption under Section 40-10-82,
124 40-10-120, or 11-51-23. As provided in Section 11-51-6, a lien
125 for taxes shall be superior to all other liens, including
126 municipal code liens.

127 ~~(9)~~ (10) TAX PAYOFF. Any and all amounts necessary to
128 satisfy any claims for delinquent taxes assessed against the
129 real property on which the Class 2 municipality is seeking to
130 foreclose under this article. Those amounts shall include:

131 a. If the taxes associated with the property are
132 delinquent as defined in Section 40-11-4 or 11-51-2, but the
133 property has not yet been sold for taxes, the full amount of
134 delinquent taxes, costs, fees, and charges due to the county
135 tax collector in accordance with Section 40-5-8;

136 b. If the property has been sold for taxes to the
137 state, those amounts required for redemption and described in
138 Sections 40-10-83, 40-10-120, 40-10-121, and 40-10-122, except
139 that when a Class 2 municipality is the prevailing bidder, the
140 tax payoff amount shall be the lesser of these amounts or the



House Mobile County Legislation Reported
Substitute for HB496

141 amount as determined by Section ~~40-10-132(a) (2)~~

142 [40-10-132\(b\) \(2\)](#);

143 c. If the property has been sold for taxes to a party
144 other than the state, those amounts required for redemption
145 and described in Sections 40-10-83, 40-10-120, 40-10-121, and
146 40-10-122; and

147 d. If a tax lien has been sold by a county in
148 accordance with the provisions of Section 40-10-182, the
149 amount required for redemption in accordance with Section
150 40-10-193."

151 "§11-40-69

152 [\(a\)](#) Any municipal ordinance enacted pursuant to this
153 article shall include an avenue for input by adjoining
154 property owners to participate in the rehabilitation and use
155 of the property subject to this article.

156 [\(b\)](#) For all sales conducted pursuant to Section
157 11-40-68, the municipality shall establish procedures that
158 allow adjoining owners to submit bids before any public
159 auction. Bids shall be accompanied by an affidavit or
160 declaration stating: (i) the bidder is the owner-occupant of a
161 property that shares a common property line or border with the
162 property being bid on; and (ii) either the bidder is exempt
163 from ad valorem taxes under Sections 40-9-19, 40-9-19.1,
164 40-9-20, or 40-9-21, or the bidder is a family member of a
165 deceased individual and is eligible for an exemption from ad
166 valorem taxes under these sections but has not yet received
167 the exemption. If bids are received, the municipality shall
168 accept the highest bid from adjoining owners and cancel the



**House Mobile County Legislation Reported
Substitute for HB496**

169 public auction. The winning bid shall be due immediately upon
170 acceptance. If there are no bids from adjoining owners, a
171 public sale shall proceed pursuant to Section 11-40-68."

172 Section 2. This act shall become effective on October
173 1, 2026.